

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RASZELL REEDER,

Plaintiff,

-v -

9:09-CV-0575

DALE ARTUS, Superintendent; THOMAS LaVALLE, Deputy Superintendent; STEVEN RACETTE, Deputy Superintendent of Security; TARA BROUSSEAU, I.G.P. Supervisor; D. HOLDRIDGE, Captain; UHLER, Captain; LAMORA, Lt.; LYNCH, Lt.; HICKS, MENARD, BAKER, MATOTT, MARCIL, Each Sergeant; GREGORY SAVAGE, Mental Health Counselor; J. SPRENGER, Chaplain; RONALD DURMONT, Registered Nurse and Examiner; MOLLER, TUCKER, MARTIN, SHUTTS, GROM, POUPORE, BOULRICE, MOSELEY, TRUDEAU, R. TRUDEAU, ALLEN, MINER, GITTENS, BESAW, TETREAU, JOHN DOE, and BODET, Each Corrections Officer; RICHARD ROY, Inspector General; NUNEZ, Inspector General; JAMES MORGAN, Associate Director of Quality Management; JOANNE WALDRON, Unit Chief; and MAUREEN BOSCO, Forensic Program Administrator,

Defendants.

APPEARANCES:

RASZELL REEDER
94-A-6388
Plaintiff, *pro se*
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

OF COUNSEL:

HON. ANDREW M. CUOMO
New York State Attorney General
Attorney for Defendants
The Capitol
Albany, NY 12224

JUSTIN C. LEVIN, Esq.
Assistant Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Raszell Reeder, brought this civil rights action in May 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 27, 2010, the Honorable David R. Homer, United States Magistrate Judge, recommended that defendant's motion for judgment on the pleadings be denied as to plaintiff's claims of medical indifference against defendant Durmont; excessive force against defendants Menard, Martin, Shutts, and Tucker; failure to intervene against defendants Grom and Moller; failure to protect against defendant Nunez; deprivation of food against defendants Moseley, Boulrice, Holdridge, Gittens, Baker, C. Trudeau, Poupor, Allen, Tetreault, and Besaw; and granted as to all other claims and all other moving defendants; and that the complaint be dismissed without prejudice as to defendant John Doe. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of medical indifference against defendant Durmont;
2. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of excessive force against defendants Menard, Martin, Shutts, and Tucker;
3. Defendant's motion for judgment on the pleadings is DENIED as to plaintiff's claims of failure to intervene against defendants Grom and Moller;

4. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of failure to protect against defendant Nunez;

5. Defendants' motion for judgment on the pleadings is DENIED as to plaintiff's claims of deprivation of food against defendants Moseley, Boulrice, Holdridge, Gittens, Baker, C. Trudeau, Poupore, Allen, Tetreault, and Besaw; and

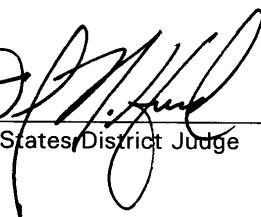
6. Defendants' motion for judgment on the pleadings is GRANTED as to all of plaintiff's other claims and all other moving defendants;

7. The complaint is DISMISSED without prejudice as to defendant John Doe; and

8. The file is to be returned to the Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: September 9, 2010
Utica, New York.



United States District Judge